# BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

GLEN R. EATON	)
Claimant	)
VS.	)
	) Docket No. 205,15
COLEMAN COMPANY, INC.	)
Respondent	)
AND	)
	)
CONTINENTAL CASUALTY COMPANY	)
Insurance Carrier	)

## ORDER

Claimant appealed the preliminary hearing Order dated July 2, 1998, entered by Administrative Law Judge Nelsonna Potts Barnes.

### <u>Issues</u>

After finding that claimant failed to prove that he suffered accidental injury arising out of and in the course of his employment on the date alleged, Judge Barnes denied claimant's request for psychological treatment.

Before addressing the issue whether claimant's psychological disorder is related to his work-related accident, the Board must first address the question whether it has jurisdiction to make that determination in an appeal of a preliminary hearing order.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record compiled to date, the Appeals Board finds:

This appeal should be dismissed.

The Appeals Board's jurisdiction to review preliminary hearing findings is limited to the following issues:<sup>1</sup>

- (1) Did the worker sustain an accidental injury?
- (2) Did the injury arise out of and in the course of employment?
- (3) Did the worker provide timely notice and claim?
- (4) Do certain defenses apply that go to the very basis and compensability of the claim?

The Appeals Board may also review those preliminary hearing orders where the administrative law judge has exceeded his or her jurisdiction and authority.<sup>2</sup>

The issue whether a psychological disorder is the direct result of an accidental injury is a question involving nature and extent of injury. Because the issue is not one of those listed above, and because the judge did not exceed her authority in denying the request for preliminary hearing benefits, at this juncture of the proceeding, the Appeals Board does not have jurisdiction to review this preliminary hearing Order.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that this appeal should be, and hereby is, dismissed.

#### IT IS SO ORDERED.

Dated this \_\_\_\_ day of September 1998.

## **BOARD MEMBER**

c: Roger A. Riedmiller, Wichita, KS
Clifford K. Stubbs, Lenexa, KS
Nelsonna Potts Barnes, Administrative Law Judge
Philip S. Harness, Director

<sup>&</sup>lt;sup>1</sup>K.S.A. 1997 Supp. 44-534a

<sup>&</sup>lt;sup>2</sup>K.S.A. 1997 Supp. 44-551.